REMARKS

Claims 1, 2, 4 – 9, 15, 16 and 18 – 23 were rejected as anticipated under 35 USC 102(a) by WO 03/053728.

Claim 1 has been amended to delete "non-reactive" and to add the limitation for the silicone resin of molecular weight in the range from about 1000 to about 700,000 and a viscosity in the range of about 15,000 cps to about 700,000 cps. Centipoise is equivalent to mPa.s. Support for this amendment can be found in the specification at page 5, lines 15 to 19.

The silicone resin in the coating composition instantly claimed is not a wetting agent as is disclosed in the WO '726 reference, but a high molecular weight and high viscosity material. Wetting agents are low molecular weight and low viscosity materials, which they must be in order to perform as wetting agents. This distinction is evidenced in the Declaration of Julie DeWitt, one of the inventors, which is attached to and made a part of this response.

The Declaration incorporates certificates of analysis for the wetting agents sold under the tradenames Tego Rad and Tego Glide, and for a silicone emulsion sold under the tradename Dow Corning 51, relating to their viscosities and molecular weights. The wetting agents are representative of the wetting agents used in the WO'726 reference and the Dow Corning 51 silicone emulsion is representative of the silicone emulsions claimed in claim 1.

The certificates indicate that the viscosities of the wetting agents and their molecular weights are significantly lower than that for the silicone emulsion. Furthermore, this silicone resin emulsion, polydimethoxysiloxane, will not undergo further reaction in the coating composition.

Anticipation under 35 U.S.C. 102(a) requires identity of invention; thus, in view of the differences between WO'726 and the present invention, it is respectfully submitted that claims 1, 2, 4 – 9, 15, 16 and 18 – 23 are patentable under 35 U.S.C. 102(a) over this reference.

Claims 1, 2, 4 – 9, 15, 16 and 18 – 23 were rejected as obvious under 35 USC 103(a) in view of WO 03/053728. This reference teaches away from the silicone resins claimed in the instant application in that the instant claims are directed to high

molecular weight and high viscosity compositions compared to the silicone wetting agents taught in WO'728. It is respectfully submitted that these claims are patentable under 35 USC 103(a) over this reference.

Claims 2, 3, and 11-14 were rejected as unpatentable under 35 U.S.C. 103(a) over WO'728 in view of U.S. Patent No. 6,960,936. It is respectfully submitted that the distinctions between WO'728 and the present invention set forth above are equally applicable to the present rejection. Therefore, even if the references are combined, the instant invention is not obtained because the instant invention contains a high molecular weight and high viscosity silicone resin. Moreover, the claimed subject matter does not require the presence of polyisocyanate nor postcuring as required by 6,960,936 to produce abrasion and high weather resistant coating. Those properties are obtained by the high molecular weight and high viscosity silicone resin of the instant invention. Accordingly, it is respectfully submitted that claim 2, 3, and 11-14 are patentable under 35 U.S.C. 103(a) over WO'728 in view of Weikard et al.

Claims 10 and 17 were rejected as unpatentable under 35 U.S.C. 103(a) over WO'728 in view of U.S. Patent No. 5,525,427, issued to Griswold et al. The distinctions between WO'728 and the present invention set forth above are equally applicable to the present rejection. Therefore, even if the references are combined, the instant invention is not obtained because the instant invention contains a high molecular weight and high viscosity silicone resin. Unlike the present claimed subject matter, Griswold requires the use of a reactive (amine functionalize) siloxane emulsion. Accordingly, it is respectfully submitted that claim 10 and 17 are patentable under 35 U.S.C. 103(a) over WO'728 in view of Griswold et al.

Claims 13-14 were rejected as unpatentable under 35 U.S.C. 103(a) over WO'728 in view of U.S. Patent No. 6,987,135, issued to Van Den Berg et al. The distinctions between WO'728 and the present invention set forth above are equally applicable to the present rejection. Therefore, even if the references are combined, the instant invention is not obtained because the instant invention contains a high molecular weight and high viscosity silicone resin. Accordingly, it is respectfully submitted that claim 13-14 are patentable under 35 U.S.C. 103(a) over WO'728 in view of Van Den Berg et al.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. If there are any issues that the Examiner wishes to discuss, she is invited to contact the aforesigned attorney.

END OF REMARKS